

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9064 OF 2021

Nanasaheb Maruti Gawade ... Petitioner
versus
Shirur Shikshan Prasarak Mandal
Through its Secretary Nandkumar
Nikam and Others ... Respondents

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Mr.Pramod G. Kathane with Mr.Manoj Sawardekar and Mr.Samyak A. Bhatkar for the Petitioner.

Mr.Vilas B. Tapkir for Respondent Nos. 1 to 3- School/ Management.

Mr.M.M.Pabale, AGP for Respondent No.4-State.

Mr.Pranav H.Bhoite for Respondent No.5.

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**CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.**

DATE : 23 JANUARY 2024

P.C.:

The Petitioner has sought two prayers. First prayer is in respect of cancellation of approval in favour of Respondent No.5 and the second prayer is regarding transfer of the Petitioner to the aided division of Respondent No.3- School.

2. As regards the first prayer is concerned, the learned Counsel for the Respondent-Management states that he has received

instructions that the Deputy Director of Education has cancelled approval in respect of appointment of Respondent No.5. The learned Counsel for Respondent No.5 states that Respondent No.5 has filed an appeal against the order of termination. The appeal is pending and the Petitioner has applied for joining himself as a party in the pending appeal. In light thereof, the prayer regarding cancellation of approval granted to the appointment of Respondent No.5 need not be considered in this petition. The question now remains as to the transfer of the Petitioner from unaided to aided division.

3. We are informed that the Petitioner has made a representation to the Respondent - Management for transferring him from unaided to aided division. The Respondent- Management will take necessary decision upon the same within a period of four weeks from today and if the representation is found to be justified, then forward the proposal to the State Authorities within a period of four weeks thereafter, and the State Authorities will take a decision thereupon and communicate the same to the Petitioner and the Respondent-Management within a period of six weeks thereafter, subject to earlier time bound commitments. As regards this direction, the concerned Respondent will keep in mind the pendency of the appeal before the School Tribunal and pass such order so that further legal complications will not be created.

4. Writ petition is accordingly disposed of.
5. We make it clear that as long as the Petitioner is working for a period he was not granted approval, it is the responsibility of the Respondent - Management.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)